

Def. file

**DECISION
GRAFTON PLANNING BOARD**

**MODIFICATION OF DEFINITIVE SUBDIVISION PLAN APPROVAL
REDESIGN OF THE APPROVED DRAINAGE SYSTEM
EXTENSION OF CONSTRUCTION DEADLINE**

RECEIVED-TOWN CLERK
GRAFTON, MA.

JJ
JUN 4 10 55 AM '08

**“Ferry Ridge Estates” Subdivision
(Camelot Drive)
Off Ferry Street, Grafton, MA**

Individual Lot, LLC. (applicant / owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Individual Lot, LLC, 50 Birch Street, Milford, MA (hereinafter the Applicant), for a modification of a Definitive Subdivision Plan Approval decision for the redesign of the approved drainage system and to extend the construction deadline (as specified in the Definitive Plan Approval decision) for a 9 lot flexible development subdivision on property located off Ferry Street, and including property previously shown as Grafton Assessor's Map 122, Lot 1. Said property is owned by Individual Lot LLC by deed recorded in the Worcester District Registry of Deeds: Book 38442, Page 260. Said subdivision includes the road known as Camelot Drive.

The Definitive Plan Approval decision, dated June 29, 2004, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 35948, Page 263, Condition # 37 of said Approval decision requires the subdivision to be completed within two (2) years of the date of plan endorsement or thirty (30) months from the date of the Decision, whichever occurs sooner. Said Definitive Plan Approval decision is for the definitive subdivision plan recorded in the WDRD in Plan Book 837, Plan 77. The deadline for completion of the subdivision was previously extended to April 1, 2008, by Planning Board decision dated November 13, 2007. *5/13 248*

I. BACKGROUND

The above referenced application for a Special Permit (hereinafter Application) was submitted on November 6, 2008. The Planning Board considered the Application at a properly posted meeting of said Board beginning on November 26 and continued over the course of nine (9) additional hearings. The hearing was closed on May 12, 2008. Notice of the public hearing and the subject matter thereof was published in the Grafton News on November 7, 2007 and November 14, 2007 and posted with Town Clerk's Office. Following the presentation of materials by the applicant's representatives and after receiving public input the hearing was closed. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

II. SUBMITTALS

The following Exhibits were submitted to the Board for its consideration of this application:

- EXHIBIT 1.** Certified List of Abutters, received September 19, 2007.
- EXHIBIT 2.** Fax Transmittal from Guerriere & Halnon, Inc., 2 pages, Request for Modification, dated and received November 6, 2007.
- EXHIBIT 3.** Public Hearing Legal Notice, stamped by Town Clerk on November 6, 2007.

- EXHIBIT 4.** Application for Approval of a Modified Definitive Plan, dated November 6, 2007 and received November 7, 2007.
- EXHIBIT 5.** Application Correspondence from Peter Lavoie of Guerriere & Halnon, Inc., 1 page, dated and received November 9, 2007.
- EXHIBIT 6.** Plans entitled: Modification of Ferry Ridge Estates Definitive Subdivision Plan in Grafton Massachusetts (5 sheets), 24" x 36", prepared by Guerriere & Halnon, Inc., dated November 5, 2007, received November 9, 2007, and comprising of:
- Title Sheet
 - I Grading Plan
 - Erosion Control Plan
 - I Plan & Profile Sheet
 - I Detail Sheet
- EXHIBIT 7.** Plans entitled: Modification of Ferry Ridge Estates Definitive Subdivision Plan in Grafton Massachusetts (5 sheets), 11" x 17", prepared by Guerriere & Halnon, Inc., dated November 5, 2007, received November 9, 2007, and comprising of same sheets as in Exhibit #6.
- EXHIBIT 8.** Hydraulic/Hydrologic Report for Ferry Ridge Estates in Grafton Massachusetts, dated and received November 9, 2007, prepared by Guerriere & Halnon; report includes plans entitled:
- "Pre-Development in Grafton" prepared by Guerriere & Halnon dated November 6, 2007, 24" x 36"
 - "Ferry Ridge Estates Post-Development Plan of Land in Grafton, MA" prepared by Guerriere & Halnon dated November 5, 2007
- EXHIBIT 9.** Correspondence from the Grafton Town Planner to Applicant / Owner, dated November 9, 2007.
- EXHIBIT 10.** Return memo from the Town Clerk, received November 13, 2007.
- EXHIBIT 11.** Return memo from Board of Health, received November 13, 2007.
- EXHIBIT 12.** Return memo from the Conservation Commission, received November 14, 2007.
- EXHIBIT 13.** Return memo from Treasurer's Office, received November 15, 2007.
- EXHIBIT 14.** Correspondence from South Grafton Water District dated November 15, 2007 and received November 16, 2007.
- EXHIBIT 15.** Fax Transmittal from Graves Engineering, Ferry Ridge Estates: Review of Proposed Stormwater Management Revisions, 4 pages, dated and received November 26, 2007.
- EXHIBIT 16.** Public Hearing Sign In Sheet for November 26, 2007 hearing.
- EXHIBIT 17.** Public Hearing Continuance Request, signed by owner/applicant's representative, Peter Lavoie of Guerriere and Halnon, received November 26, 2007.
- EXHIBIT 18.** Return memo from the Assessors, received November 27, 2007
- EXHIBIT 19.** Correspondence from Graves Engineering, Ferry Ridge Estates: Review of Proposed Stormwater Management Revisions, 4 pages, dated and received November 28, 2007; original documentation from the Fax Transmittal noted in Exhibit 15.
- EXHIBIT 20.** Return memo from Sewer Department, received December 5, 2007.

- EXHIBIT 21.** Correspondence from Guerriere & Halnon, Inc., Ferry Ridge Estates Modification to the Definitive Subdivision Plan, 3 pages, received December 6, 2007.
- EXHIBIT 22.** Hydraulic/Hydrologic Report for Ferry Ridge Estates in Grafton Massachusetts, dated and received November 9, 2007 and revised November 29, 2007, prepared by Guerriere & Halnon, Inc.
- EXHIBIT 23.** Plans entitled: Modification of Ferry Ridge Estates Definitive Subdivision Plan in Grafton Massachusetts (6 sheets), 24" x 36", prepared by Guerriere & Halnon, Inc., dated November 5, 2007, received December 6, 2007, and comprising of:
- Title Sheet
 - Erosion Control Plan
 - Plan & Profile Sheet
 - Detail Sheet
 - Off-Site Improvements Plan
- EXHIBIT 24.** Fax Transmittal from Graves Engineering, Ferry Ridge Estates: Review of Proposed Stormwater Management Revisions; Second Revision, 5 pages, dated and received December 7, 2007.
- EXHIBIT 25.** Inter-office Memorandum from Town of Grafton Department of Public Works Town Engineer, dated and received December 7, 2007.
- EXHIBIT 26.** Site Visit Report, Graves Engineering, 2 pages, dated December 7, 2007 and received December 10, 2007.
- EXHIBIT 27.** Correspondence from Graves Engineering, Ferry Ridge Estates: Review of Proposed Stormwater Management Revisions; Second Revision, 5 pages, dated and received December 7, 2007; original documentation from the Fax Transmittal noted in Exhibit 24.
- EXHIBIT 28.** Three color photographs depicting water line threaded through drainage pipe June 2006; submitted by Dave Calarese of LRC Development.
- EXHIBIT 29.** Public Hearing Sign In Sheet for December 10, 2007 hearing.
- EXHIBIT 30.** Public Hearing Continuance Request, signed by owner/applicant's representative, David Calarese of LRC Development, received December 10, 2007.
- EXHIBIT 31.** Notice of Public Hearing Grafton Conservation Commission re: Application for Wetlands Bylaw Permit, received December 19, 2007.
- EXHIBIT 32.** Fax Transmittal from the Grafton Planning Department to LRC Development Services regarding Peer Review Balance, 5 pages, dated December 28, 2007.
- EXHIBIT 33.** Site Visit Report, Graves Engineering, 2 pages, dated January 9, 2008 and received January 14, 2008.
- EXHIBIT 34.** Fax Transmittal from Graves Engineering, 4 pages, dated January 10, 2008 and received January 10, 2008.
- EXHIBIT 35.** Correspondence from the South Grafton Water District to the Grafton Planning Board, 6 pages including 3 pages of color photographs, dated and received January 10, 2008.
- EXHIBIT 36.** Public Hearing Sign In Sheet for January 14, 2008 hearing.
- EXHIBIT 37.** Public Hearing Continuance Request, signed by owner/applicant's representative, David Calarese of LRC Development, received January 14, 2008.

- EXHIBIT 38.** Public Hearing Sign In Sheet for January 28, 2008 hearing.
- EXHIBIT 39.** Public Hearing Continuance Request, signed by owner/applicant's representative, David Calarese of LRC Development, received January 28, 2008.
- EXHIBIT 40.** Public Hearing Sign In Sheet for February 11, 2008 hearing.
- EXHIBIT 41.** Public Hearing Continuance Request, signed by owner/applicant's representative, David Calarese of LRC Development, received February 11, 2008.
- EXHIBIT 42.** Correspondence from South Grafton Water District, dated February 14, 2008, received February 19, 2008.
- EXHIBIT 43.** Fax Transmittal from LRC Development requesting a continuance of the Public Hearing, 2 pages, dated February 20, 2008 and received February 21, 2008.
- EXHIBIT 44.** Inter-office Memorandum from Town of Grafton Department of Public Works Town Engineer, dated and received February 21, 2008.
- EXHIBIT 45.** Fax Transmittal from LRC Development requesting a continuance of the Public Hearing, 2 pages, dated March 6, 2008 and received March 7, 2008.
- EXHIBIT 46.** Public Hearing Continuance Request, signed by owner/applicant's representative, David Calarese of LRC Development, received February 11, 2008.
- EXHIBIT 47.** Fax Transmittal from LRC Development requesting a continuance of the Public Hearing, 2 pages, dated March 20, 2008 and received March 21, 2008.
- EXHIBIT 48.** Public Hearing Sign In Sheet for March 24, 2008 hearing.
- EXHIBIT 49.** Public Hearing Continuance Request, signed by owner/applicant's representative, William Keaton of LRC Development, received March 24, 2008.
- EXHIBIT 50.** Correspondence via Fax Transmission from the Town of Grafton Planning Department to the Applicant/Owner regarding Period of Validity, 4 pages, transmitted March 28, 2008.
- EXHIBIT 51.** Correspondence from LRC Development to the Massachusetts Department of Environmental Protection regarding a Site Visit Report, 3 pages, dated March 26, 2008, received April 1, 2008.
- EXHIBIT 52.** Fax Transmittal from LRC Development requesting an extension of the Period of Validity, 2 pages, dated and received April 1, 2008.
- EXHIBIT 53.** Email Correspondence from William Keaton of LRC Development regarding correspondence with DEP, 1 page, dated March 31, 2008 and received April 1, 2008.
- EXHIBIT 54.** Correspondence from LRC Development requesting an extension of the Period of Validity, 2 pages, dated April 1, 2008 and received April 3, 2008; original documentation from the Fax Transmittal noted in Exhibit 52.
- EXHIBIT 55.** Fax transmittal from the Town of Grafton to LRC Development regarding the Ferry Ridge Subdivision Peer Review Account, 4 pages, dated April 7, 2008.
- EXHIBIT 56.** Correspondence from the Massachusetts Department of Environmental Protection to LRC Development Services, Inc. regarding the South Grafton Water Quality Swale, 2 pages, dated April 11, 2008 and received April 14, 2008.
- EXHIBIT 57.** Fax Transmittal from Graves Engineering regarding Review of Proposed Stormwater Management Revisions, 4 pages, dated and received April 24, 2008.

- EXHIBIT 58.** Correspondence from Graves Engineering regarding Review of Proposed Stormwater Management Revisions, 4 pages, dated April 24, 2008 and received April 28, 2008; original documentation from the Fax Transmittal noted in Exhibit 57.
- EXHIBIT 59.** Public Hearing Sign In Sheet for April 28, 2008 hearing.
- EXHIBIT 60.** Public Hearing Continuance Request, signed by owner/applicant's representative, David Calarese of LRC Development, received March 24, 2008.
- EXHIBIT 61.** Correspondence from South Grafton Water District to the Grafton Planning Board, 1 paged, dated and received April 29, 2008.
- EXHIBIT 62.** Inter-office memorandum from the Town of Grafton Town Engineer regarding Ferry Ridge Estates Plan Modification, 1 paged, dated and received May 6, 2008.
- EXHIBIT 63.** Modification of Ferry Ridge Estates, Off Site Grading Plan, one (1) plan, 24"x36", prepared by Guerriere & Halnon, Inc., dated February 7, 2008 and received May 7, 2008.
- EXHIBIT 64.** Fax Transmittal from Graves Engineering regarding Ferry Ridge Estates Summary Letter, 3 pages, dated and received May 8, 2008.

III. FINDINGS

At their meeting of May 12, 2008, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Regan, seconded by Mr. McCarthy) voted 3-0 to make the following Findings:

- F1. That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- F2. This approval specifically modifies Condition # 37 of the Definitive Subdivision Plan Approval decision for the "Ferry Ridge Estates" subdivision, recorded Worcester District Registry of Deeds in Plan Book 837, Plan 77.
- F3. At hearing to extend time to construct the subdivision, the Applicant, LRC Development Services, Inc., and the Board discussed modification of both the on-site and off-site drainage systems as originally proposed. The concerns identified for the approved system included the adequacy and long term maintenance of underground stormwater detention structures; the adequacy of the off-site drainage infrastructure; flooding of the adjacent ball field, and the on-going problems with excessive sedimentation traveling off site toward the South Grafton Water District's (SGWD) Zone I.
- F4. A modified on site drainage system was designed and proposed by LRC Development Services, Inc. through its engineer, Guerriere & Halnon, that employed above ground detention ponds and increased the system's capacity to be able to accommodate a 100 year storm event (Exhibit 63). The Planning Board's consulting engineer, Graves Engineering, reviewed and approved the modified design.(Exhibit 64)
- F5. The off site drainage system was redesigned to increase capacity by increasing the pipe diameter for all of the existing stormwater system within Ferry Street from the subdivision to its discharge next to the SGWD well access road (Exhibit 63). The design was reviewed

and approved by both Graves Engineering (Exhibit 64) and the Town's Department of Public Works (Exhibit 62)

- F6. The South Grafton Water District expressed concern with the existing discharge of stormwater, particularly with the level of sedimentation, near its well and issued a letter based on the recommendation of its consulting engineer that it was prohibited by the MA Department of Environmental Protection (MADEP) from introducing a water related activity into its Zone I (Exhibit 42).
- F7. Guerriere & Halnon designed an infiltration swale with check dams that would divert the stormwater away from the Zone I (Exhibit 63) which was reviewed and approved by MADEP (Exhibit 56) based on the consideration that it improved a pre-existing condition. The design was also reviewed and approved by Graves Engineering. (Exhibit 64)
- F8. SGWD approved the design and location of the swale with check dams. (Exhibit 61)

III. DECISION and CONDITIONS

At their meeting of May 12, 2008, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Regan, seconded by Mr. McCarthy) voted 3-0 to **APPROVE** the application for Modification of Definitive Plan Approval decision with the following conditions:

- C1.) The applicant/owner shall complete all work pertaining to on-site and off-site improvements as presented in the Findings and Exhibits and approved by the Planning Board, Grafton Department of Public Works and South Grafton Water District. In addition the applicant / owner shall provide quarterly progress reports to the Planning Board through its agents or by specific request to appear before the Board at its discretion with the first two progress reports to be made specifically in August and October 2008.
- C2.) This approval specifically modifies Condition # 37 of the Definitive Subdivision Plan Approval decision for the "Ferry Ridge Estates" subdivision, recorded Worcester District Registry of Deeds in Plan Book 837, Plan 77. This approval specifically allows an extension of the time period in which to complete the Subdivision (as specified in the above referenced Decision and Conditions of Approval), extending the deadline for completion to April 1, 2009.
- C3.) Unless modified by this Decision, all conditions of the previous Definitive Plan Approval decision for the "Ferry Ridge" Subdivision recorded in the Worcester District Registry of Deeds and referenced herein, remain in full force and effect.
- C4.) All other applicable Federal, State or Local permits and approvals for the proposed use shall be secured by the Applicant at the appropriate time, and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
- C5.) Any Order of Conditions and/or permits issued by the Grafton Conservation Commission with respect to this application are hereby incorporated by reference and constitute a condition to this Decision.

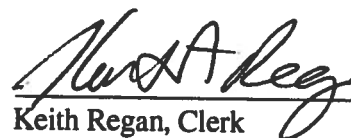
- C6.) This Decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period.
- C7.) A copy of such recorded Decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.
- C8.) By recording this Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.
- C9.) Any inability or failure or refusal by the applicant to comply with the requirements of this Decision, or any other applicable Federal, State or Local regulations or approvals, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

WITNESS our hands this 4th day of June, 2008.

Peter Parsons, Chairman – not voting

Robert Hassinger, Vice Chairman

Richard McCarthy, Member


Keith Regan, Clerk

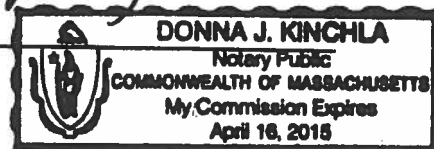
COMMONWEALTH OF MASSACHUSETTS

Worcester ss

June 4, 2008.

On this 4th day of June, 2008, personally appeared Keith A. Regan, a member of the Grafton Planning Board, and acknowledged the foregoing to be his free act and deed on behalf of said Board.

Donna J. Kinchla
Notary Public
My commission expires



cc: Applicant

- Owner
- Graves Engineering
- Board of Selectmen
- Board of Health
- Board of Sewer Commissioners

- Conservation Commission
- Building Inspector
- DPW Director / Highway Department
- South Grafton Water District
- Town Engineer

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Maureen Clark, Town Clerk

Date